

PROB 12C
(7/93)Report Date: November 10, 2011
FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

United States District Court

for the

Eastern District of Washington

NOV 16 2011

JAMES R. LARSEN, CLERK
DEPUTY
SPOKANE, WASHINGTON

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Sylvester Sam Dave

Case Number: 2:10CR02138-001

Address of Offender: [REDACTED] Wapato, WA 98951

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea, U.S. District Judge

Date of Original Sentence: 4/13/2011

Original Offense: Fail to Register as a Sex Offender, 18 U.S.C. § 2250(a)

Original Sentence: Prison - 6 Months;
TSR - 24 Months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Jane Kirk

Date Supervision Commenced: 4/17/2011

Defense Attorney: Diane E. Hehir

Date Supervision Expires: 4/16/2013

 PETITIONING THE COURT

To issue a warrant and to incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court on November 2, 2011.

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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5	<u>Mandatory Condition # 2:</u> The defendant shall not commit another Federal, state, or local crime.
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Supporting Evidence: Mr. Dave was charge with assault and sexual assault by the Yakama Nation Police Department, case number 11-5265, on November 10, 2011.

According to the Yakama Nation Police Department narrative report, on November 10, 2011, officers were detailed to Curtis Street in White Swan, Washington, regarding a fight in progress. Upon arrival, officers observed the door to the residence was open and they heard people arguing inside. An officer announced himself, entered the residence, and saw three children sitting on the couch. In the kitchen area, where the argument was coming from, the officer identified the male subject as Sylvester Dave, and the two females as Mr. Dave's girlfriend and her sister.

While interviewing Mr. Dave and his girlfriend, the officer noted both Mr. Dave and his girlfriend had slurred speech, bloodshot eyes, and the odor of intoxicants on their breath. Mr. Dave's girlfriend reported her side of the incident to the officer while Mr. Dave's

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girlfriend's sister reported to the other officer that Mr. Dave threw her daughter down and grabbed her breast.

The officer then interviewed the victim who is a 14-year-old female. The victim reported she had been trying to separate her mother from Mr. Dave's girlfriend because they were arguing/fighting. She also reported Mr. Dave was also trying to separate the two from fighting at the same time.

The victim then related Mr. Dave grabbed her by the throat, threw her onto the couch, grabbed her left breast and squeezed it. The victim indicated Mr. Dave then raised his right arm above his head and made a closed fist as if he was going to hit her. The victim advised she ran out the front door fearing for her safety. The victim's mother reported she witnessed what Mr. Dave had done to her daughter and wished to press charges for assault and sexual assault.

One of the officers arrested Mr. Dave and advised him of his rights and charges. Mr. Dave was transported and booked into the Yakama Nation Jail, where he was served with citation number 56571, for assault and sexual assault.

According to Yakama Tribal Jail, Mr. Dave posted bail on November 11, 2011.

According to Yakama Tribal Court, Mr. Dave appeared for arraignment on November 14, 2011. The defendant's next court hearing is set for January 4, 2012.

6 **Standard Condition # 11:** The defendant shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer.

Supporting Evidence: Mr. Dave failed to report law enforcement contact within 72 hours of being arrested for assault and sexual assault on November 10, 2011.

As of November 15, 2011, Mr. Dave has yet to report law enforcement contact to his probation officer.

7 **Special Condition # 26:** The defendant shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from this substance.

Supporting Evidence: Mr. Dave was under the influence of alcohol on November 10, 2011.

On November 10, 2011, while being processed at the Yakama Tribal Jail, the booking officer observed Mr. Dave to be under the influence of alcohol. Mr. Dave admitted he consumed alcohol 1½ hours prior from the time of booking. A preliminary Breathalyzer test was administered and the results returned .248 percent blood alcohol content. Mr. Dave also reported he consumes beer two to three time per week.

The U.S. Probation Office respectfully recommends the Court issue a warrant requiring the defendant to appear to answer to the allegations contained in this petition.

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I declare under penalty of perjury that the foregoing is true and correct.

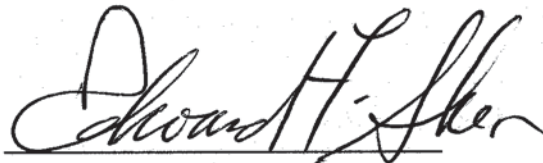
Executed on: 11/16/2011

s/Jose Zepeda

Jose Zepeda
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Other



Signature of Judicial Officer

11/16/11

Date